

DEPARTMENT OF THE ARMY  
Wilmington District, Corps of Engineers  
Post Office Box 1890  
Wilmington, North Carolina 28402-1890

Action ID No. 200520101

November 22, 2004

PUBLIC NOTICE

The Town of Smithfield, P.O. Box 761, Smithfield, NC 27809, has applied for a Department of the Army (DA) permit TO DREDGE APPROXIMATELY 1,300 CUBICS OF MATERIAL FROM THE NEUSE RIVER FOR THE PURPOSE OF MAINTAINING AND UTILIZING A RAW WATER INTAKE STRUCTURE. THE PROJECT IS LOCATED APPROXIMATELY 2,800 FEET UPSTREAM OF THE U.S. HIGHWAY 70-BUSINESS BRIDGE, IN SMITHFIELD, JOHNSTON COUNTY, NORTH CAROLINA. Please reference Action ID 199400570.

The following description of the work is taken from data provided by the applicant. The applicant was previously authorized a DA permit on February 9, 1994, to dredge 1,300 cubic yards of material from the Neuse River, for the purpose of maintaining the raw water intake structure, at the present location. Plans submitted with the application show the proposed dredging of material in navigable waters of the United States subject to our regulatory authority pursuant to Section 10 of the Clean Water Act.

The applicant proposes to use a backhoe to dredge an area 70 ft long x 50 ft wide x 10 ft deep, adjacent to the intake structure. Water depths adjacent to the intake structure are +/- 4 ft. All dredged material will be placed on high ground in a properly constructed disposal site, with erosion control measures in place. There is currently no fill associated with this proposal. Plans showing the work are included with the Public Notice.

The State of North Carolina will review this public notice to determine the need for the applicant to obtain any required State authorization. No Department of the Army (DA) permit will be issued until the coordinated State viewpoint on the proposal has been received and reviewed by this agency, nor will a DA permit be issued until the North Carolina Division of Water Quality (NCDWQ) has determined the applicability of a Water Quality Certificate as required by PL 92-500.

This application is being considered pursuant to Section 10 of the Clean Water Act (33 U.S.C. 1344). Any person may request, in writing within the comment period specified in the notice, that a public hearing be held to consider this application. Requests for public hearing shall state, with particularity, the reasons for holding a public hearing.

The District Engineer has consulted the latest published version of the National Register of Historic Places for the presence or absence of registered properties, or properties listed as being

eligible for inclusion therein. Based on the best available evidence, it has been determined that no sites within the vicinity of the project are registered or listed as being eligible for inclusion in the Register. Examination of the National Register of Historic Places constitutes the extent of cultural resource investigations by the District Engineer, and he is otherwise unaware of the presence of other such resources. Presently, unknown archeological, scientific, prehistorical, or historical data may be lost or destroyed by work under the requested permit.

The District Engineer, based on available information, is not aware that the proposed activity will affect species, or their critical habitat, designated as endangered or threatened pursuant to the Endangered Species Act of 1973.

The decision whether to issue a permit will be based on an evaluation of the probable impacts, including cumulative impacts, of the proposed activity and its intended use on the public interest. Evaluation of the probable impacts, which the proposed activity may have on the public interest, requires a careful weighing of all those factors, which become relevant in each particular case. The benefits, which reasonably may be expected to accrue from the proposal, must be balanced against its reasonably foreseeable detriments. The decision whether to authorize a proposal, and if so the conditions under which it will be allowed to occur, are therefore determined by the outcome of the general balancing process. That decision should reflect the national concern for both protection and utilization of important resources. All factors, which may be relevant to the proposal, must be considered including the cumulative effects thereof. Among those are conservation, economics, aesthetics, general environmental concerns, wetlands, cultural values, fish and wildlife values, flood hazards and flood plain values (in accordance with Executive Order 11988), land use, navigation, shore erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs, considerations of property ownership, and, in general, the needs and welfare of the people. For activities involving the placement of dredged or fill materials in waters of the United States, a permit will be denied if the discharge that would be authorized by such permit would not comply with the Environmental Protection Agency's 404(b)(1) guidelines. Subject to the preceding sentence and any other applicable guidelines or criteria, a permit will be granted unless the District Engineer determines that it would be contrary to the public interest.

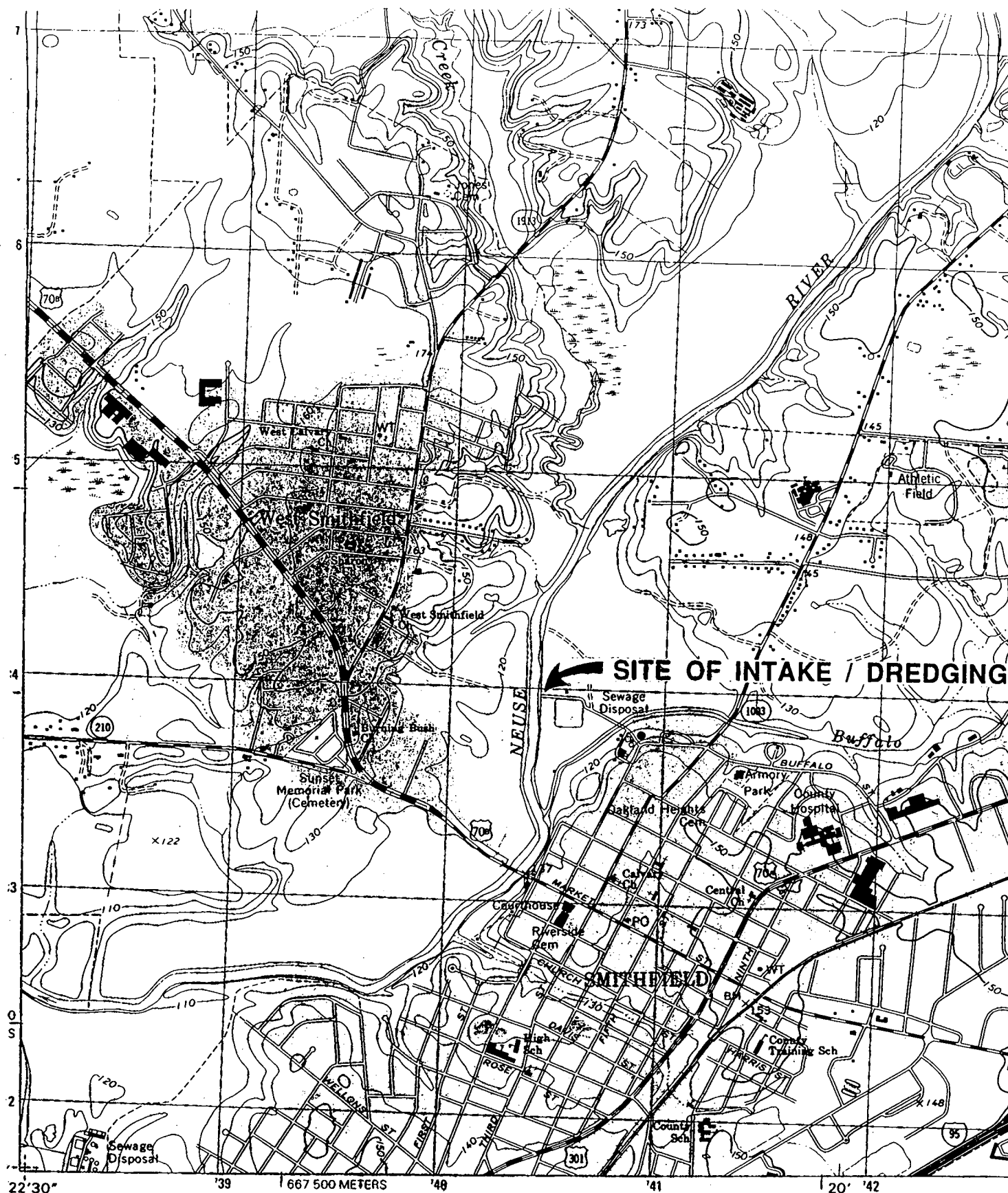
The Corps of Engineers is soliciting comments from the public; Federal, State and local agencies and officials; Indian Tribes and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps of Engineers to determine whether to issue, modify, condition, or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects and the other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment (EA) and/or an Environmental Impact Statement (EIS) pursuant to the National Environmental Policy Act (NEPA). Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

Generally, the decision whether to issue this DA permit modification will not be made until the North Carolina Division of Water Quality (NCDWQ) issues, denies, or waives State certification required by Section 401 of the Clean Water Act. The NCDWQ considers whether or not the proposed activity will comply with Sections 301, 302, 306, and 307 of the Clean Water Act. The application and this public notice for the DA permit serves as application to the NCDWQ for certification.

Additional information regarding the Clean Water Act certification may be reviewed at the offices of the Wetlands /401 Unit, North Carolina DENR, Division of Water Quality, 2321 Crabtree Boulevard, Raleigh, North Carolina. Copies of such materials will be furnished to any person requesting copies upon payment of reproduction costs.

All persons desiring to make comments regarding the application for Clean Water Act certification should do so in writing delivered to the NCDWQ, Wetlands/401 Unit, 1650 Mail Service Center, Raleigh, North Carolina, 27699-1650, on or before January 24, 2005, Attention: Ms. Cyndi Karoly.

Written comments pertinent to the proposed work, as outlined above, will be received in this office, Attention: Mr. Kevin Yates, until 4:15 p.m., December 23, 2004, or telephone (919) 876-8441, extension 30.

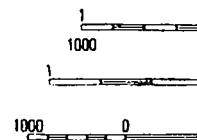
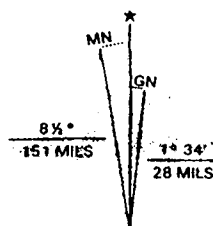


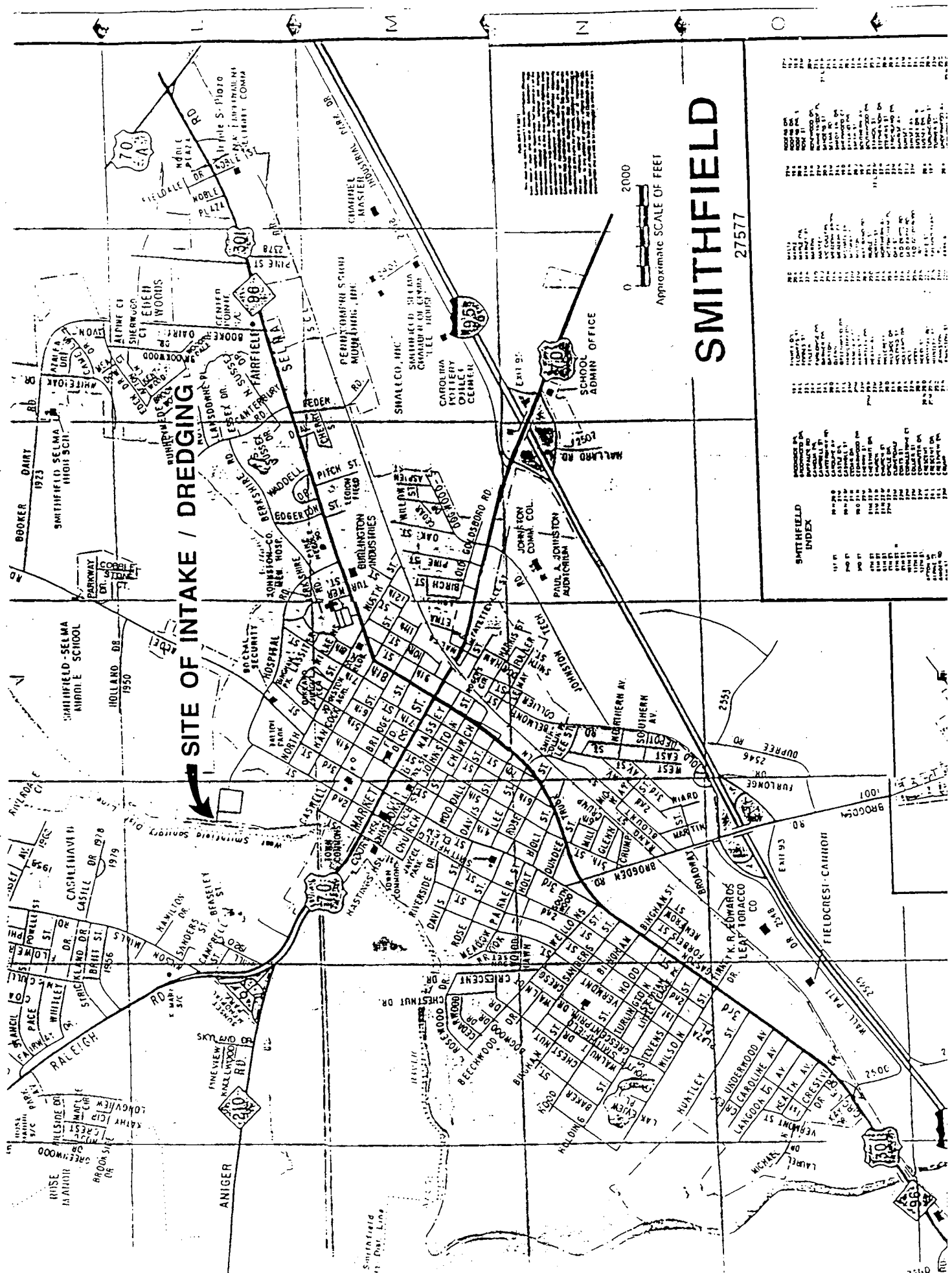
Produced by the United States Geological Survey  
in cooperation with the North Carolina Department  
of Environment and Natural Resources

Topography compiled 1962. Planimetry derived from imagery  
taken 1998 and other sources. Survey control current as of 1964

North American Datum of 1983 (NAD 83). Projection and  
1 000-meter grid: Universal Transverse Mercator, zone 17  
2 500-meter ticks: North Carolina Coordinate System of 1983

North American Datum of 1927 (NAD 27) is shown by dashed  
corner ticks. The values of the shift between NAD 83 and  
NAD 27 for 7.5-minute intersections are obtainable from  
National Geodetic Survey NADCON





# SMITHFIELD

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Approximate SCALE OF FEET

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